

**Re: Hudson v. Foxx, et al. - Plaintiff's Motion for Voluntary Dismissal**

Sivonnia DeBarros <sdebarros@sldebarros.com>

Thu 4/22/2021 3:15 PM

To: Morgan Churma <Mchurma@scharfbanks.com>

Cc: Sarah Marmor <smarmor@scharfbanks.com>

Fine. We'll figure out what the Court prefers us to do. As it stands, I'm not stipulating to a briefing schedule.

On Thu, Apr 22, 2021 at 3:01 PM Morgan Churma <[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)> wrote:

We are not going to stipulate to a dismissal without prejudice, and will be prepared to argue that the grounds in the motion for seeking a dismissal are improper under Rule 41(a)(2).

Morgan G. Churma

DIRECT 312-897-1483 | MOBILE 707-292-3303

[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)

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**From:** Sivonnia DeBarros <[sdebarros@sldebarros.com](mailto:sdebarros@sldebarros.com)>

**Sent:** Thursday, April 22, 2021 2:48 PM

**To:** Morgan Churma <[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)>

**Cc:** Sarah Marmor <[smarmor@scharfbanks.com](mailto:smarmor@scharfbanks.com)>

**Subject:** Re: Hudson v. Foxx, et al. - Plaintiff's Motion for Voluntary Dismissal

Rule 41(a)(1) does. If you guys want to stipulate, I can file an amended motion. I filed the motion as (a)(2) because we have not spoken and there was no pending stipulation. Nonetheless, based on what's before us, I'd say let's discuss the matter with the Court and figure it out at that time. If the Court wants to withdraw the motion to vol. dismiss and file a withdrawal motion, fine.

On Thu, Apr 22, 2021 at 2:32 PM Morgan Churma <[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)> wrote:

EXHIBIT

B

Sivonnia,

The rule that you moved under, Rule 41(a)(2), does not permit dismissal by stipulation as it seeks a court-ordered dismissal based on grounds the Court deems proper. Additionally, you never asked us to stipulate. We do not agree that dismissal without prejudice is appropriate after two full rounds of briefing on motions to dismiss and the Court's order dismissing the FAC.

We also did not realize that your reason for seeking dismissal was to allow you to withdraw from the case. That is not an appropriate basis for dismissal without prejudice.

In light of this, we propose two options. You can withdraw your motion for dismissal and seek leave to withdraw as counsel. Alternatively, we can brief the motion for voluntary dismissal. Since the matter already was set for status on April 27<sup>th</sup>, we can discuss the briefing schedule with the Court at that time if you do not want to agree to one now.

Morgan G. Churma

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**From:** Sivonnia DeBarros <[sdebarros@sldebarros.com](mailto:sdebarros@sldebarros.com)>

**Sent:** Thursday, April 22, 2021 2:14 PM

**To:** Morgan Churma <[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)>

**Cc:** Sarah Marmor <[smarmor@scharfbanks.com](mailto:smarmor@scharfbanks.com)>

**Subject:** Re: Hudson v. Foxx, et al. - Plaintiff's Motion for Voluntary Dismissal

I don't see any purpose in briefing the motion to vol. dismiss. Why not just stipulate to it?

If you guys want to brief it then I'll be asking the court for leave to file a motion to withdraw and to give my client time to find counsel.

And you're right about the noticing. I totally forgot about that and just piggy backed on our status date.

Sivonnia DeBarros  
Attorney at Law

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On Thu, Apr 22, 2021, 2:00 PM Morgan Churma <[Mchurma@scharfbanks.com](mailto:Mchurma@scharfbanks.com)> wrote:

Hi Sivonnia,

I don't believe we've met, but I am working with Sarah Marmor on the above matter. We see that you noticed Plaintiff's motion for voluntary dismissal for presentment on April 27<sup>th</sup>. However, in light of the COVID-19 pandemic and per Judge Wood's standing order, she does not want motions noticed for presentment. In light of this, we are hoping to agree to a briefing schedule on the motion. Are you agreeable to a response date of May 7, 2021 with your reply due May 14, 2021? If so, I will email the courtroom deputy in accordance with the standing order and copy you.

Regards,

**MORGAN G. CHURMA**

**ERROR! FILENAME NOT SPECIFIED.**

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Sincerely,

*Sivonnia DeBarros*

Attorney at Law



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Sincerely,

*Sivonnia DeBarros*

Attorney at Law



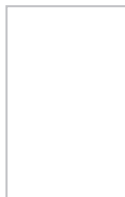
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